

16138 U.S. PTO
031004

PTO/SB/05 (11-00)

Approved for use through 07/31/06. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------|
| UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small> | Attorney Docket No. | 03968- P0001D |
| | First Inventor | David Kirchhoff, et al. |
| | Title | Weight Control System Having Varying Meal |
| | Express Mail Label No. | EL 889893618 US |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents</small> | ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original, and a duplicate for fee processing)</small> | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) |
| 2. <input checked="" type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27. | 8. Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small> |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages <u>71</u>] <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none">- Descriptive title of the invention- Cross References to Related Applications- Statement Regarding Fed sponsored R & D- Reference to sequence listing, a table, or a computer program listing appendix- Background of the invention- Brief Summary of the invention- Brief Description of the Drawings (if filed)- Detailed Description- Claims(s)- Abstract of the Disclosure | a. <input type="checkbox"/> Computer Readable Form (CRF) b.: Specification Sequence Listing on: <ul style="list-style-type: none">i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); orii. <input type="checkbox"/> paper |
| 4. <input checked="" type="checkbox"/> Drawings(s) (35 USC 113) [Total Sheets <u>28</u>] | c. <input type="checkbox"/> Statement verifying identity of above copies |
| 5. Oath or Declaration [Total Sheets <u>12</u>] <ul style="list-style-type: none">a. <input type="checkbox"/> Newly executed (original or copy)b. <input checked="" type="checkbox"/> Copy from prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 18 completed)</small>i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small> | ACCOMPANYING APPLICATION PARTS |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) |
| | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small> |
| | 11. <input type="checkbox"/> English Translation Document (if applicable) |
| | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations |
| | 13. <input type="checkbox"/> Preliminary Amendment |
| | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small> |
| | 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small> |
| | 16. <input type="checkbox"/> Nonpublication Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 of its equivalent. |
| | 17. <input type="checkbox"/> Other..... |

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

| | | | |
|---------------------------------------------------------|------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Continuation | <input checked="" type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP) | of prior application No.: 10/355,425 Filed 1/31/2003 |
| Prior application information: Examiner Group/Art Unit: | | | |

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

| | | | |
|-------------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------|--------------|
| <input checked="" type="checkbox"/> Customer Number: <u>24126</u> | | OR <input checked="" type="checkbox"/> Correspondence address below | |
| Name | Wesley W. Whitmyer, Jr. | | |
| Address | St.Onge Steward Johnston & Reens LLC 986 Bedford Street | | |
| City | Stamford | State | CT |
| Country | United States | Zip Code | 06905-5619 |
| Telephone | 203 324-6155 | Fax | 203 327-1096 |

| | | | |
|-------------------|-------------------------|-----------------------------------|---------|
| Name (Print/Type) | Todd M. Oberdick | Registration No. (Attorney/Agent) | 44,268 |
| Signature | <i>Todd M. Oberdick</i> | Date | 3/10/04 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 38 U.S.C. 122 ND 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, Patent and Trademark Office, Washington, DC 20231-1450.

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19270 U.S. PTO
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031004

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**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision

Complete if Known

| | |
|------------------------|-------------------------|
| Application No. | - Pending |
| Filing Date | March 10, 2004 |
| First Named Inventor | David Kirchhoff, et al. |
| Examiner Name | |
| Art Unit | |
| Attorney Docket Number | 03968-P0001D WWW/TMO |

☐ Applicant claims small entity status, See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**2018.00****METHOD OF PAYMENT (check all that apply)**
☒ Check ☐ Credit Card ☐ Money ☐ Other ☐ None
☐ Deposit Account: order
Deposit
Account

19-4516

Deposit
Account
Name

St.Onge Steward Johnston & Reens LLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fees(s) during the pendency of this application
☐ Charge fees(s) indicated below, **except for the filing fee** to the above-identified deposit account
FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1101 | 770 | 2001 | 385 | Utility filing fee | 770.00 |
| 1002 | 340 | 2202 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | 770.00 |

2. EXTRA CLAIMS FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 75 | 55 | 18.00 | 990.00 |
| Independent Claims | 3 | 86.00 | 258.00 |
| Multiple Dependent | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|-------------------------------------------------------|
| Fee Code | Fee (\$) | Fee Code | Fee Code | |
| 1201 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claims, if not paid |
| 1204 | 86 | 2204 | 43 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 over original patent |
| SUBTOTAL (2) | | | | (\$) 1248.00 |

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|-----------------------------------|----------|--------------|----------|----------------------------------------------------------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing for or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 40 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | | |
| SUBTOTAL (3) | | | | | 0.00 |

SUBMITTED BY St.Onge Steward Johnston & Reens LLC

Complete (if applicable)

| | | | | | |
|-------------------|-------------------------|----------------------------------|-----------|-----------|--------------|
| Name (Print/Type) | Todd M. Oberdick | Registration No (Attorney/Agent) | 44,268 | Telephone | 203 324-6155 |
| Signature | <i>Todd M. Oberdick</i> | Date | 3/10/2004 | | |

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Provide credit card information and authorization on PTO-2038

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PATENT
03968-P0001D WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|-----------------------|---------------------------------------------------------------------------|
| Applicants | David Kirchhoff, et al. |
| Serial No. - Pending | March 1, 2004 |
| Title of Application: | Weight Control System Having Varying Meal Plans And Meal Planning Schemes |

Mail Stop Patent Application
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Cover Sheet For Twenty Eight Sheets Of Drawings

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